SINGLE BENCH

(2) CF-1007

(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.(C) NO. 4285 /2006

PETITIONER : Smt. Subbmma
Aged about 55 years
W/o. Late Marimuthu
R/o. 91-D, Rishali Sector, Bhilai Nagar, District Durg (C.G.).

P.R. No. 43446
Presented by counsel Sanjay Agrawal
dated 21.7.06

VERSUS

RESPONDENTS :1. The Managing Director
Bhilai Steel Plant, Bhilai
District Durg (C.G.)

2. Estate Officer
Town Service Building
First Floor, Indra Place, Bhilai
Steel Plant, Bhilai (C.G.)

3. Dy. General Manager
(Town Administration)
Town Administration Dept.
Bhilai Steel Plant, Bhilai
District Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(36)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (C.) NO.4285 OF 2006

Petitioner : Smt. Subbmma

versus

Respondents : The Managing Director, Bhilai Steel Plant, Bhilai and others

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Present : Mr. Raghvendra Pradhan, counsel for the petitioner.

ORDER

(Passed on 29th of August, 2006)

The petitioner is widow of the deceased – employee, namely, Late Mr. Marimuthu, who was working as Senior Operator Grade-II (CR) (S-9) and retired from service on 31-8-1997. It appears that the petitioner applied for grant of official quarter allotted to her late husband under the scheme known as "SAIL Scheme for Leasing of Houses to Employees – 2002". The petitioner has filed this petition for following relief :-

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"7.1 That, the Hon'ble Court may be kind enough to issue a writ in the nature of Mandamus directing the respondent authorities not to dispossess petitioner from the quarter No.91-D Rishali Sector Bhilai District Durg (C.G.).

7.2 That, the Hon'ble Court may also be kind enough to direct the respondent authorities not to further disturb the possession of the petitioner over the said land.

7.3 That, Any other relief which may suitable in the facts and circumstances of the case may also be allowed.

7.4 Saddle the cost of the petition on the respondent authorities."

2. The above relief cannot be granted to the petitioner in view of the fact that late husband of the petitioner retired on 31-8-1997 and the petitioner has filed this petition on 8-8-2006 seeking a direction against the respondents not to dispossess the petitioner from Quarter No.91-D, Rishali Sector, Bhilai, District Durg (C.G.). It appears that the petitioner is in unauthorized occupation of the official accommodation. This Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot permit illegal

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occupation of the official accommodation by the widow of the deceased – employee.

3. Hence, this petition is dismissed accordingly. However, the petitioner is granted liberty to make a representation, if so advised, for any other relief which is permissible in law. No order as to costs.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge

Gopal